

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KENNETH SENOSKI,)
Petitioner,) Civil Action No. 2: 13-CV-01761
v.)
COMMONWEALTH OF)
PENNSYLVANIA,)
Respondent.

MEMORANDUM ORDER

On December 10, 2013, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on December 18, 2013 (ECF No. 5) recommending that the Petition for Writ of Habeas Corpus be summarily dismissed for lack of jurisdiction and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had until January 6, 2014, to file written objections to the Report and Recommendation. To date, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of January, 2014:

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is summarily **DISMISSED** for lack of jurisdiction as this is a second or successive petition and Petitioner has not received permission from the United States Court of Appeals for the Third Circuit to file a second or successive petition.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 5) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

So ORDERED this 8th day of January, 2014:



Arthur J. Schwab
United States District Judge

cc: KENNETH SENOSKI
DJ8862
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